UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

JOHN A. BUCHANAN, : CASE NO. 1:16-CV-2005

Plaintiff,

vs. : OPINION AND ORDER

: [Resolving Doc. <u>30</u>]

RILLA PRICE, et al.,

Defendants.

:

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 20, 2017, Plaintiff John A. Buchanan filed a motion for appointment of counsel under 28 U.S.C. § 1915. Defendants oppose.

"A district court has discretion to appoint counsel for an indigent civil litigant." Only in "exceptional circumstances" is appointment appropriate. To determine whether such circumstances exist, the court considers "the plaintiff's ability to represent himself, the chance of success of plaintiff's claims, and the complexity of the case."

On February 17, 2017, Plaintiff was transferred from Richland Correctional Institution to Community Corrections Association ("CCA"), a halfway house in Youngstown. 6 CCA does not have a law library. 7 Because Plaintiff lost access to legal resources, he argues that he cannot adequately represent himself and appointment of counsel is appropriate. 8

<sup>&</sup>lt;sup>1</sup> Doc. 30.

<sup>&</sup>lt;sup>2</sup> Doc. 33.

<sup>&</sup>lt;sup>3</sup> <u>Lavado v. Keohane</u>, 992 F.2d 601, 604 (6th Cir. 1993) (citing 28 U.S.C. § 1915(d); <u>Reneer v. Sewell</u>, 975 F.2d 258, 261 (6th Cir. 1992)).

<sup>&</sup>lt;sup>4</sup> *Id.* at 606 (citing *Lopez v. Reyes*, 692 F.2d 15, 17 (5th Cir.1982); *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir.1985)).

<sup>&</sup>lt;sup>5</sup> Johnson v. City of Wakefield, 483 F. App'x 256, 260 (6th Cir. 2012) (citing Lavado, 992 F.2d at 606).

<sup>&</sup>lt;sup>66</sup> Doc. 30 at 2.

<sup>&</sup>lt;sup>7</sup> *Id*.

<sup>&</sup>lt;sup>8</sup> *Id.* at 2-3.

Case: 1:16-cv-02005-WHB Doc #: 35 Filed: 03/02/17 2 of 2. PageID #: 337

Case No. 1:16-CV-2005

Gwin, J.

Defendants argue that Plaintiff has no constitutional right to counsel and has not shown

exceptional circumstances warranting appointment of counsel. 9 Specifically, Defendants argue

that Plaintiff has had no trouble litigating against three Defendants in the case thus far and

provides no evidence that he will in the future. 10

The Court agrees. There is no constitutional right to counsel in a civil case. <sup>11</sup> Nor does

Plaintiff find himself in such "exceptional circumstances" that would warrant appointment of

counsel. Therefore, Plaintiff's motion for appointment of counsel is **DENIED.** 

IT IS SO ORDERED.

Dated: March 2, 2017

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

<sup>&</sup>lt;sup>9</sup> Doc. <u>33</u> at 1-2.

<sup>&</sup>lt;sup>10</sup> *Id*. at 2.

<sup>&</sup>lt;sup>11</sup> Abdur-Rahman v. Michigan Dep't of Corr., 65 F.3d 489, 492 (6th Cir. 1995).